

1 Jeffrey D. Olster
2 Nevada Bar No. 8864
3 Jeff.Olster@lewisbrisbois.com
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
5 6385 S. Rainbow Boulevard, Suite 600
6 Las Vegas, Nevada 89118
7 Tel: (702) 893-3383
8 Fax: (702) 893-3789

Attorneys for Defendants
6 *AMTRUST NORTH AMERICA, INC. and*
7 *SECURITY NATIONAL INSURANCE COMPANY*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 WFTLV01, LLC, a Nevada limited liability
11 company; WFTLV02, LLC, a Nevada limited
12 liability company; WFTLV03, LLC, a Nevada
13 limited liability company; WFTLV04, LLC, a
14 Nevada limited liability company; and
15 WFTLV05, LLC, a Nevada limited liability
16 company,

17 Plaintiffs,

18 vs.

19 AMTRUST NORTH AMERICA, INC., a
20 Delaware corporation; SECURITY
21 NATIONAL INSURANCE COMPANY, a
22 Delaware corporation

23 Defendants.

Case No. 2:20-cv-01845-JCM-BNW

**STIPULATION AND ORDER TO
EXTEND TIME TO RESPOND TO
COMPLAINT**

[Second Request]

24 IT IS STIPULATED by and between all Plaintiffs and all Defendants, through their
25 respective counsel, and pursuant to LR IA 6-1 and LR 7-1, that the time for Defendants to respond
26 to Plaintiffs' Complaint (ECF No. 1-2) may be extended one additional week, to November 6,
27 2020. The parties agree and respectfully submit that good cause exists for this stipulation based on
28 the following:

1 1. Plaintiffs filed their Complaint in Clark County District Court on August 17, 2020.
2 (ECF No. 1-2).

3 2. Defendant AmTrust North America, Inc. (“AmTrust”) was served through its
4 registered agent on September 2, 2020. (ECF No. 1-3).

5 3. On September 16, 2020, defense counsel advised Plaintiffs’ counsel of their
6 representation. Since that time, the parties have been actively working to informally resolve
7 various proper party and pleading issues, as further detailed below, in order to narrow the issues in
8 this litigation and reduce the necessity of motion work relating to these issues. To facilitate this
9 dialogue, Plaintiffs agreed to provide Amtrust and defendant Security National Insurance
10 Company (“Security National”) with an extension to October 21, 2020 to respond to the
11 Complaint (though Security National had not yet been served).

12 4. On September 22, 2020, defense counsel conferred with Plaintiffs’ counsel about
13 dismissing AmTrust without prejudice from the action because AmTrust did not issue the subject
14 insurance policy.

15 5. On September 30, 2020, Security National was served through the Nevada Division
16 of Insurance. Pursuant to this service, Security National has 30 days, or until October 30, 2020, to
17 respond to Plaintiffs’ Complaint.

18 6. Defendants filed their Notice of Removal of Action on October 2, 2020. (ECF No.
19 1).

20 7. On October 6, 2020, in the interest of facilitating the continuing discussions about
21 the proper parties to the case, and to provide defense counsel with additional time to confer with
22 Defendants regarding the subject claim, the parties filed their Stipulation and Order to Extend
23 Time to Respond to Complaint (the “First Stipulation to Extend”). (ECF No. 7).

24 8. Pursuant to the parties’ continuing discussions, Plaintiffs agreed to dismiss
25 AmTrust without prejudice, subject to defense counsel’s agreement to accept service of a
26 subpoena, should it become necessary. These terms are memorialized in the parties’ Stipulation
27 and Order to Dismiss Defendant AmTrust North America, Inc. Without Prejudice. (ECF No. 11).

1 9. On October 14, 2020, the court issued a minute order in chambers denying the
2 parties' First Stipulation to Extend because the parties did not set forth good cause for the
3 extension as required by LR IA 6-1. (ECF No. 9).

4 10. The parties remain engaged in further discussions regarding the proper parties to
5 the case. Specifically, the parties are conferring as to whether plaintiffs WFTLV02, LLC,
6 WFTLV03, LLC, WFTLV04, LLC and WFTLV05, LLC may be dismissed. This dialogue
7 remains ongoing. Accordingly, good cause exists for the parties' stipulation to permit additional
8 time to continue this dialogue, with the goal of either eliminating additional parties from the case
9 and/or narrowing the issues in dispute.

10 11. The prior stipulated response date, October 30, 2020, was the actual response date
11 for the only remaining Defendant, Security National, based on formal service through the Nevada
12 Division of Insurance (as detailed in Paragraph 5 above).

13 12. On October 20, 2020, the court issued its order granting the parties' Amended
14 Stipulation and Order to Extend Time to Respond to Complaint (First Request). (ECF No. 14).

15 13. The parties continue to meet and confer regarding the proper parties to the case
16 with the goal of narrowing the parties and issues prior to Security Nationals' response to the
17 Complaint. To facilitate these ongoing discussions, Plaintiffs have agreed to provide Security
18 National with an additional one-week extension, to November 6, 2020, to respond to the
19 Complaint.

14. The parties further agree that this stipulated extension of time does not operate as any admission or waiver of any claim or defense by Plaintiffs or Defendants.

DATED this 27th day of October, 2020.

DATED this 27th day of October, 2020.

KENNEDY & COUVILLIER, PLLC

LEWIS BRISBOIS BISGAARD & SMITH
LLP

/s/ Maximiliano D. Couvillier

/s/ Jeffrey D. Olster

Todd E. Kennedy

Jeffrey D. Olster

Nevada Bar No. 6014

Nevada Bar No. 8864

Maximiliano D. Couvillier III

6385 S. Rainbow Boulevard, Suite 600

Nevada Bar No. 7661

Las Vegas, Nevada 89118

3271 E. Warm Springs Road

Attorneys for Defendants

Las Vegas, Nevada 89120

Attorneys for Plaintiffs

IT IS SO ORDERED

DATED: 4:23 pm, October 30, 2020

BRENDA WEKSLER

UNITED STATES MAGISTRATE JUDGE